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JUL 15 2004

OFFICE OF PETITIONS

In re Application of :
Kenneth A. Kaufman, Garrett R. :
Wittkopp, Kenneth W. Kawahara, :
John E. Richer :
Application No. 10/663,924 :
Filed: September 16, 2003 :
Attorney Docket No. NGC-00083 (11-
1178) :
DECISION ACCORDING STATUS
UNDER 37 CFR 1.47(a)

This is in response to the "PETITION UNDER 37 CFR 1.47", filed September 16, 2003, which is being treated specifically as a petition under 37 CFR 1.47(a).

The petition under 37 CFR 1.47(a) is **GRANTED**.

The above-identified application was filed on September 16, 2003, without a fully executed declaration. The declaration contained the signatures for inventors Kenneth A. Kaufman, Garrett R. Wittkopp, and Kenneth W. Kawahara; however, the signature block for inventor John E. Richer was left blank. Accompanying the filing of the application was the instant petition.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor(s) cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 37 CFR 1.63; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor(s).

On petition, Rule 47 applicant has attested that inventor Richer was provided with a copy of the application papers. In support thereof, Rule 47 applicant has included a copy of a cover letter dated August 13, 2003, transmitting the application papers. In addition, attorney John A. Miller has attested that Richer made an oral refusal to sign the declaration in a telephone conversation that took place on or about September 2, 2003.

On petition, Rule 47 applicant satisfied the requirements of 37 CFR 1.47(a). The declaration submitted with the filing of the application has been determined to be in compliance with 37 CFR 1.63. Accordingly, the above-identified application is hereby accorded Rule 1.47(a) status.

Pursuant to 37 CFR 1.47(c), this Office will forward notice of this application's filing to the last known address provided in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The application file is being forwarded to Group Art Unit 2821 for examination in due course.

Telephone inquiries related to this decision may be directed to the undersigned at (703) 305-0272.

Cliff Congo

Cliff Congo
Petitions Attorney
Office of Petitions